

Remarks:

In the November 15, 2006, Office Action, a restriction requirement was imposed under 35 U.S.C. Section 121 based on the allegation that the inventions of the claims of Group I (Claims 138, 139, 146, and 147) and the claims of Group II (Claims 140-144 and 148-186) are distinct because the "Inventions of Group I and Group II are related as process of making and product made."

In the November 15, 2006, Office Action, Claims 173 and 181 were objected to because of informalities. Claims 143, 167, 170, 171, and 180 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite.

On the merits, Claims 148-160, 164-169, 171-179, and 183-185 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Herber et al. (U.S. Patent No. 5,525,363). Claims 140-142, 144, 171, 180, and 181 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Stolmeier et al. (U.S. Patent No. 6,257,763). Claims 178, 182, and 186 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Stolmeier et al.

Claims 143 and 179 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Stolmeier et al. in view of May (U.S. Patent No. 5,725,312). Claims 170 and 177 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Herber et al. and Boeckmann et al. (U.S. Patent No. 4,846,585). Claims 161-163 were

rejected under 35 U.S.C. Section 103(a) as being unpatentable over Herber et al. and Hayashi et al. (U.S. Patent No. 6,074,097).

Additionally, twenty (20) different provisional rejections under the judicially created doctrine of obviousness-type double patenting were made.

Response to Restriction Requirement

Applicants hereby confirm the provisional election made by telephone on November 7, 2006, and elect the embodiment of Group II without traverse. Applicants have cancelled the claims in Group I (Claims 138, 139, 146, and 147) in this Amendment B.

Response to 112 Rejections

Of the claims named in the Section 112, second paragraph rejection, only Claim 167 remains following this Amendment B. The term "microperforations," which was objected to in Claim 167, is a term that is well understood by those skilled in the art. The terms "microperforation" and "microperforations" are used in the claims of no less than ninety-one issued U.S. patents, many of which are in the bag arts. Applicants submit that the term "microperforations" is sufficiently well-known and well-understood in the resealable bag arts that it is in fact most assuredly not indefinite. Applicants are unaware of another word in the English language which could be used instead of the word "microperforations" without in fact making Claim 167 substantially less definite.

Accordingly, Applicants respectfully traverse the rejection and request reconsideration of the issue.

Amendments to the Claims

The support in the patent application for all of the amendments to the claims is found in Figs. 42-48 and the corresponding portion of the text of the specification. No new matter has been added.

Response to Double Patenting Rejections

First, Applicants believe that most of the double patenting rejections are moot in view of the extensive amendments to the claims (twelve out of the fourteen double patenting rejections are moot due to the cancellation of the claims identified therein, and the other eight are moot due to the extensive revision of the claims identified therein).

In addition, Applicants believe that most of the double patenting rejections were incorrect inasmuch as the reason the issued patents, the pending patent applications, and the present patent application exist as separate patent applications is by virtue of the fact that restriction requirements were issued which forced Applicants to file numerous other patent applications. By virtue of the U.S. Patent and Trademark Office having issued the restriction requirement and the divisional patent applications having been filed, the Examiner is barred from issuing a double patenting rejection, since by definition a restriction requirement cannot be issued unless the inventions which are the subject of the restriction requirement are independently patentable. Accordingly, the Examiner's

attention to and reconsideration of the double patenting rejections in the November 15, 2006, Office Action is respectfully requested.

Response to 102(b), 102(e), and 103(a) Rejections

All of the rejections on the merits are believed to be moot in view of the fact that Applicants have extensively revised remaining independent claims 148, 169, and 179, and have added entirely new Claims 187-218. With the submission of the substantially revised and new claims presented in the present Amendment B, Applicants believe that the claims now all include limitations which are not taught or suggested by the prior art, either the art cited by the Examiner in the November 15, 2006, Office Action or any other prior art of which Applicants are aware. Thus, Applicants believe that independent Claims 148, 169, 179, 187, 212, and 214 are allowable, and respectfully request their allowance by the Examiner.

Claims 152-167 and 216 depend upon Claim 148, which as stated above is believed to be allowable, and thus these claims are also believed to be allowable. Claim 217 depends upon Claim 169, which as stated above is believed to be allowable, and thus Claim 217 is also believed to be allowable. Claim 218 depends upon Claim 179, which as stated above is believed to be allowable, and thus Claim 218 is also believed to be allowable. Similarly, newly added Claims 188-211 depend upon newly added independent Claim 187, which as stated above is believed to be allowable, and thus these claims are also believed to be allowable. Finally, newly added Claims 213 and 215

respectively depend upon newly added independent Claims 212 and 214, and thus Claims 213 and 215 are also believed to be allowable.

Applicants believe that Claims 148, 152-167, 169, 179, and 187-218 are patentable at this time. These claims remain pending following entry of this Amendment B, and are believed to be in condition for allowance at this time. As such, Applicants respectfully request entry of the present Amendment B and reconsideration of the application, with an early and favorable decision being solicited. Should the Examiner believe that the prosecution of the application could so be expedited, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

Respectfully submitted:

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